IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS BROWNSVILLE DIVISION

United States District Court Southern District of Texas FILED

JAN 30 1998

Michael N. Milby, Clerk of Court

EDWARD ALCALA, et.al.,	
Plaintiffs,	
v.) CIVIL ACTION NUMBER B-96-203
)
ALEX PEREZ, in his official capacity	
as Sheriff of Cameron County, Texas,)
and CAMERON COUNTY, TEXAS,) JURY DEMAND
Defendant	

DEFENDANT'S OBJECTION TO MANDATORY MEDIATION

Defendant objects to mediation at this time and moves the Court to deny Plaintiffs' Motion For Mandatory Mediation because of the following:

- 1. Mediation at this time is premature. Mediation may not be workable even if not premature as it would require over two hundred mediations.
- 2. Discovery is not complete, to wit:
 - 2.1 On January 28, 1997, Defendant served on each Plaintiff through Counsel seventeen Interrogatories and eleven Requests For Production.
 - 2.2 Plaintiffs requested and Defendant agreed to a forty-five day extension in which to answer.
 - 2.3 No Plaintiff has yet filed a response to the interrogatories or to the production.
- 3. On or about November 17, 1997, Defendant received a work sheet from Plaintiffs'
 Counsel for approximately one hundred and fifty Plaintiffs, but with an annotation that there will be another sixty or so provided. Defendant has not received the sixty or so.

The information received so far on the one hundred and sixty Plaintiffs is not sufficient for 4. trial or mediation on those Plaintiffs, and Defendant has received no information on the remaining sixty or so Plaintiffs.

Defendant has proposed to Plaintiffs that once Defendant has received work sheets from 5. all Plaintiffs, that Defendant would review all work sheets against Defendant's records and make a settlement offer as to each Plaintiff, separately.

However, Defendant request that before mandatory mediation is ordered that Plaintiffs be 6. required to respond to the interrogatories and production requests served on January 28, 1997.

WHEREFORE, Defendant prays this Court deny Plaintiffs' Motion For Mandatory Mediation.

Respectfully,

For Cameron County Cameron County Civil Legal Department 964 East Harrison Street Brownsville, Texas 78578 (956) 550 1345 (956) 550 1348 (Facimile)

BY

Richard O. Burst

Attorney In Charge

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Dylbia L. Jefferies Of Counsel **Texas State Bar #00786516**

S.D. No. 17065

CERTIFICATE OF SERVICE

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I, Richard O. Burst do hereby certify that a true and correct copy of the foregoing Response has been mailed to Plaintiff's Attorney, James R. Herrmann, 802 E. Harrison, Suite 14, Harlingen, Texas 78551-2541 on this 30th of January, 1998.

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Richard Q Burst